

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE  
LITIGATION

)  
) MDL NO. 1456  
) Civil Action No. 01-12257-PBS  
) Subcategory No. 03-10643

THIS DOCUMENT RELATES TO:

*The City of New York, et al.*

v.

*Abbott Laboratories, Inc., et al.*

)  
) Judge Patti B. Saris  
)  
)  
)  
)

**NOVEMBER 2012 STATUS REPORT ON BEHALF OF  
THE CITY OF NEW YORK AND NEW YORK COUNTIES**

The undersigned counsel for the City of New York and New York Counties in the above-captioned action (hereinafter referred to as “plaintiffs”) hereby submit the attached Status Report for November 2012, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: November 1, 2012

Respectfully submitted,

**City of New York and New York Counties in  
MDL 1456 except Nassau and Orange, by**

**KIRBY McINERNEY, LLP**  
825 Third Avenue  
New York, New York 10022  
(212) 371-6600

By: /s/ Joanne M. Cicala  
Joanne M. Cicala

Ross B. Brooks, Esq.  
MILBERG LLP  
One Pennsylvania Plaza  
New York, NY 10119  
(212) 594-5300  
*Special Counsel for the County of Nassau*

Theresa A. Vitello, Esq.  
LEVY PHILLIPS &  
KONIGSBERG, LLP  
800 Third Avenue  
New York, NY 10022  
(212) 605-6205  
*Counsel for the County of Orange*

**November 2012 Status Report on Behalf of the  
City of New York and New York Counties**

**Settlement Order of Dismissal**

On October 31, 2012, the court entered plaintiffs' sixth unopposed motion to extend the 90-day settlement order of dismissal of claims. The order provides that claims against the remaining defendant King Pharmaceuticals Inc., King Research and Development, and Monarch Pharmaceuticals Inc. shall be dismissed without cost and without prejudice of any party, upon good cause shown, to reopen the action after December 31, 2012 if settlement is not consummated. *See* Docket No. 8215, Sub-Docket 340.

**CERTIFICATE OF SERVICE**

I, Kathryn B. Allen, hereby certify that on the 1st day of November 2012, I caused a true and correct copy of the above November 2012 Status Report for the City of New York and New York Counties to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: November 1, 2012

/s/ Kathryn B. Allen  
Kathryn B. Allen  
Kirby McInerney LLP  
825 Third Avenue  
New York, NY 10022  
(212) 371-6600